

FCC MAIL SECTION

Before the
Federal Communications Commission
May 25 3 28 PM '99 Washington, D.C. 20554

In the Matter of)	MM Docket No. 99-25
DISPATCHED BY)	
Creation of a Low)	RM-9208
Power Radio Service)	RM-9242
)	

ORDER

Adopted: May 20, 1999

Released: May 20, 1999

Comment date: August 2, 1999

Reply comment date: September 1, 1999

By the Commission:

1. We have before us a motion by the Corporation for Public Broadcasting ("CPB") and National Public Radio, Inc. ("NPR"), for a 60-day extension of the comment and reply comment periods in our pending low power radio rulemaking proceeding.¹ In addition, the National Association of Broadcasters ("NAB") has submitted an informal letter request for an extension of at least 60 days, but preferably until the end of the year. For the reasons stated below, we are granting a 60-day extension of time.

2. In the LPFM *Notice of Proposed Rule Making*, the Commission proposed to establish rules authorizing the operation of new, low power FM ("LPFM") radio stations. The *Notice* established comment and reply comment dates of April 12, 1999 and May 12, 1999, respectively. Subsequently, at the request of several parties (including NAB and several digital radio proponents), the Mass Media Bureau extended the comment deadlines by approximately six weeks to provide parties more time to prepare engineering and other studies that will be useful in this proceeding.²

3. In support of its current extension request, NAB asserts that additional time is required for important technical studies that will help the Commission determine the impact of an LPFM service on existing full power stations and on their transition to digital broadcasting. NAB states that it is examining the interference rejection characteristics of different types of commercially available radios. NAB states its intention to apply the results of the study to predict the amount of interference that existing stations would actually receive from LPFM stations. In addition, NAB contends that the comment deadlines should be extended until the completion and evaluation of field testing of In-Channel On-Band ("IBOC") digital radio systems, which it believes will be

¹ See *Notice of Proposed Rule Making* in MM Docket No. 99-25, 14 FCC Rcd 2471 (1999).

² Order, DA 99-542 (rel. March 19, 1999).

completed by December 15, 1999. NAB requests that at a minimum the Commission grant a 60 day extension of the comment deadlines to permit completion of the non-IBOC studies.

4. CPB and NPR request a 60-day extension of the comment and reply comment dates to August 2, 1999, and September 1, 1999. They state that the additional time would allow them to conduct more comprehensive testing of a number of issues raised in the *Notice*. They also assert that they are uniquely situated to comment on the consequences of introducing new services in the noncommercial reserved portion of the FM band, which include interference and contour protection issues distinctive to that portion of the FM band.

5. A number of individuals and groups, including the Amherst Alliance, Minority Media and Telecommunications Council, REC Networks, and the Committee on Democratic Communications, National Lawyers Guild oppose any extension. They assert that parties have had since early 1998, when the original petitions for rulemaking were placed on public notice, to perform technical studies.

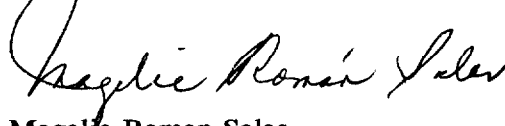
6. In considering the extension requests and the oppositions that have been filed, we must balance the need to give parties sufficient time to conduct appropriate tests and the need to avoid undue delay in considering the proposals in this proceeding. With these factors in mind, we believe that a 60-day extension of the comment periods is appropriate. This will grant the CPB and NPR request in full, and grant the minimum amount of additional time NAB has requested. It will help us ensure a high-quality record and facilitate the ability of parties to explore the complex technical issues in this proceeding. August 2 - the new comment deadline - is more than half a year after the adoption of the *Notice*, and this time period should provide ample time to complete laboratory testing that will help guide our consideration of these issues. We recognize that the IBOC field testing described in NAB's letter may not be completed by the new comment deadlines. However, the laboratory testing, along with data and analysis that digital radio proponents can make available prior to the completion of field tests, may enable the Commission to identify the range of potential digital radio design parameters and the viability of design options that could ensure compatibility between low power and digital radio services. In addition, we expect that the parties conducting further technical studies will keep us apprised of relevant developments that we may need to consider as we analyze the record in the low power radio proceeding. Finally, we take this opportunity to state our intention to launch a rulemaking proceeding regarding digital radio this summer. We believe doing so at the same time we are considering proposals in the low power radio proceeding will help focus issues regarding the compatibility of the two services.

7. Accordingly, IT IS ORDERED that the motion and request for an extension of the comment and reply comment periods filed by the Corporation for Public Broadcasting, National Public Radio, Inc., and the National Association of Broadcasters ARE GRANTED to the extent discussed above.

8. IT IS FURTHER ORDERED that the comment period in this proceeding IS EXTENDED to August 2, 1999.

9. IT IS FURTHER ORDERED that the reply comment period in this proceeding IS EXTENDED to September 1, 1999.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Magalie Roman Salas".

Magalie Roman Salas
Secretary